IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

FRIDAY, THE 9TH FEBRUARY 2007 / 20TH MAGHA 1928

W.P.(C).No. 1743 of 2007(G)

PETITIONERS:

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1. JOHNY C.T.,
   CHALAKKAL HOUSE VELUR BAZAR P.O.,
   THRISSUR-680 601.

2. DAVIS C.T.,
   CHALAKKAL HOUSE, HIDHAYATH NAGAR, KALATHODE P.O.

BY ADV. SRI.K.JAJU BABU

RESPONDENTS:

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1. KERALA STATE ROAD TRANSPORT CORPORATION,
   REP. BY ITS MANAGING DIRECTOR, TRANSPORT BHAVAN,
   THIRUVANANTHAPURAM.

2. THE DISTRICT TRANSPORT OFFICER,
   KERALA STATE ROAD TRANSPORT CORPORATION,
   THRISSUR DEPOT.

BY SRI.JHONSON P.JOHN,SC,KSRTC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 09/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C.KURIAKOSE, J.

W.P.(C)NO.1743 of 2007

Dated this 9th day of February, 2007

JUDGMENT

The petitioners claim the amounts which were due to their late mother (Smt.Mariyam), who was also mother of one C.T.Joseph, the brother of the petitioners who was an employee of the KSRTC by way of family pension. The KSRTC does not dispute that during the period from 29.3.1986 till 3.8.2002; when the mother died she was entitled for family pension. The petitioners claim the amount only as legal representatives of their mother. When the claim was raised through an advocate's notice, the Assistant Transport Officer issued Ext.P2 insisting that the petitioners shall produce five documents. Document No.3 mentioned in Ext.P2 is Dependency Certificate from the Tahsildar showing that the claimants were the dependents of the deceased employee and his mother. Document No.4 is Income Certificate of the claimants.

2. I find force in the submissions of Sri.Brijesh Mohan the learned counsel for the petitioners that the insistence for production of the above two documents was not justified. The

petitioners are not claiming as the dependents of the deceased mother or the deceased employee instead they are claiming as legal representatives of their mother late Mariam, who was concededly entitled for family pension during the period from 29.3.1986 to 3.8.2002. On that reason itself the insistence on production of Income Certificate is also not justified.

Under the above circumstances this writ petition will stand disposed of directing the respondents to release the amounts which were payable to the petitioners' mother late Mariam without insisting for production of Dependency Certificate and Income Certificate to the petitioners. The needful will be done by the respondents in the light of the observations above within one month of receiving a copy of this judgment. It will be necessary that formal application seeking release is filed by the petitioners and orders in the light of the observations herein above will be passed on that application by the respondents within one month of receiving that application.

PIUS C.KURIAKOSE
Judge

dpk